

DEPARTMENT: Human Services

BY: James A. Rydingsword
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RECOMMENDED ACTION AND JUSTIFICATION:

Accept the Change to the In Home Supportive Services (IHSS) Advisory Committee Bylaws, Article IV Section 4.

The revision has been reviewed by County Counsel and was approved by the IHSS Committee on November 14, 2011.

The Changes that are being recommended to the Bylaws are shown in red.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

AB1685, legislation that resulted in an employer of record for IHSS, went into effect in 1999. The law also requires that each county establish an Advisory Committee. Certain slots on the advisory committee are mandated to include client, provider and Community representation.

The original bylaws were approved by the Board of Supervisors in 2002 with Resolution 03-63 then Resolution 11-04 increased the monthly stipend to Committee members.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Revised Bylaws (6 pages) _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

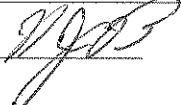
Res. No.: 16589 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____ Abstained: _____
 Approved
 () Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

CAO: 

**MARIPOSA COUNTY
IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE
BYLAWS**

**Article I
Name and Purpose**

Section 1: Name: The name of this organization shall be the Mariposa County In-Home Supportive Services Advisory Committee. This Committee was established by the Board of Supervisors of Mariposa County, California, pursuant to the Welfare and Institutions Code Section 12301. This Committee shall exercise the powers and authority and assume the responsibilities delegated to it.

Section 2: Purpose: The purpose and scope of the activities of this Committee shall be the following:

The Advisory Committee shall submit recommendations to the County Board of Supervisors on the preferred mode or modes of services to be utilized in the County for in-home supportive services.

The Advisory Committee shall provide on-going advice and recommendations regarding in-home supportive services to the County Board of Supervisors, any administrative body in the County that is related to the delivery and administration of in-home supportive services, and the governing body and administrative agency of the public authority, nonprofit consortium, contractor, and public employees.

**Article II
Membership**

Section 1: The Committee shall be appointed as authorized by Section 12301.3 of the Welfare and Institutions Code as follows:

(a) Each County shall appoint an in-home supportive services advisory committee that shall be comprised of not more than seven (7) individuals. No less than fifty percent (50%) of the membership of the Advisory Committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or as recipients of services under this Article.

(1)(A) In counties with fewer than 500 recipients of services provided pursuant to this Article of Section 14132.95, at least one member of the Advisory Committee shall be a current or former provider of in-home supportive services.

(B) In counties with 500 or more recipients of services provided pursuant to this Article or Section 14132.95, at least two members of the Advisory

Committee shall be a current or former provider of in-home supportive services.

- (2) Individuals who represent organizations that advocate for people with disabilities or seniors may be appointed to committees under this Section.
- (3) Individuals from community-based organizations that advocate on behalf of home care employees may be appointed to committees under this Section.
- (4) A county board of supervisors shall not appoint more than one county employee as a member of the advisory committee, but may designate any county employee to provide on-going advice and support to the advisory committee.

Section 2: All members of this Committee shall serve a continuous term at the pleasure of the Board of Supervisors, pursuant to appointments made by the Board of Supervisors.

Section 3: Any member who misses three (3) meetings in a calendar year may become ineligible to continue serving on the Committee. The Chairperson of the Committee will inform the Board of Supervisors about the member's ineligibility, and recommend a replacement. Any member may nullify one (1) absence per calendar year by his or her attendance at one (1) subcommittee meeting or other appointed service on behalf of the In-Home Supportive Services Advisory Committee.

Article III Meetings

Section 1: The Advisory Committee shall meet at the call of the Chairperson of the Committee, not less than four (4) times per year, to consider a specific agenda of issues. Chairperson and Committee members will concur on agenda items and meeting date, place, and time.

Section 2: Members of the Advisory Committee shall receive a written notice not less than five (5) days before the date of a meeting. The notice shall contain a summary of the agenda and the place, date, and time of the meeting. Notice of public meeting shall also be posted on the Board of Supervisors announcement board in order to inform the public of Advisory Committee proceedings. In exceptional circumstances, the Committee may give less than five (5) days notice, but not less than seventy-two (72) hours, provided that the reasons for doing so are included in the meeting notice.

Section 3: Interested persons shall be permitted to appear before the Advisory Committee, without voting opportunities or permission. The agenda for each Advisory Committee meeting will include a section for public comment with a five (5) minute time limit for each person wishing to comment on the Advisory Committee's proceedings. No interested

party is required to provide their name or affiliation to the Committee before, during, or after an appearance.

Section 4: A quorum constitutes fifty-one percent (51%) or greater of the appointed members of the Committee. In the absence of a quorum at any meeting, the members present shall function as a full subcommittee, electing an interim chair, if necessary. If the number of members present is one-third ($1/3^{\text{rd}}$) or greater of the Advisory Committee, the agenda for the meeting will be followed and any recommendations of this full subcommittee shall be presented to the Committee at the next regularly scheduled meeting. If the number present is less than one-third ($1/3^{\text{rd}}$), the members may, if they wish, vote to follow the agenda or postpone the agenda to the next meeting.

Section 5: When canceling a meeting, the Chairperson must give notice to each Advisory Committee member by telephone if notice is within seventy-two (72) hours, and by mail if more than seventy-two (72) hours.

Section 6: The Chairperson shall designate ad hoc committees consisting solely of one or more members but less than a quorum of the Committee each for such specific purposes as the business of the Committee may, from time to time, require. The ad hoc committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board of Supervisors.

Section 7: The affirmative vote of a majority of all members of the Committee shall be necessary to approve any action. Voting shall be by oral vote unless on any matter a member requests voting by written ballot.

Section 8: The Secretary of the Committee shall ensure that minutes of each Committee meeting are kept. Minutes of open meetings shall include: time, date, and place; a list of the persons who were present, including Committee members, staff, and Executive Branch employees and an estimated number of other members of the public present; a description of each matter discussed and the resolution, if any, made by the Committee; and copies of each report or other document received or approved by the Committee. The Chairperson shall certify to the accuracy of all minutes of meetings. The Committee shall make available to any person, at actual cost of duplication, copies of Committee minutes.

Section 9: All meetings of the Committee shall be in compliance with the Welfare and Institutions Code, Sections 12301.3 and 12301.4.

Section 10: The Mariposa County Human Resources Department will provide a representative who will coordinate with the committee to schedule meetings, coordinate research projects, prepare documentation, assist in facilitation of recommendations, and coordinate with the Committee to maintain all operating costs.

Article IV Officers

Section 1: The members of the Committee shall elect from their own membership the following officers:

- A. Chairperson
- B. Vice-Chairperson

Section 2: The election of the Chairperson and Vice-Chairperson will be accomplished during a public Committee meeting.

Section 3: The terms of office for both officers shall be one (1) year beginning at the first regular Committee meeting of the year and terminating at the last regular Committee meeting of the year, or until their successors are elected at the next regular meeting of the Committee.

Section 4: Any officer may be re-elected to the same office for succeeding one (1) year terms

Section 5: A vacancy in any office may be filled by the Committee at any regular meeting.

Section 6: Duties of officers:

Chairperson: The Chairperson shall preside at all meetings of the Committee and conduct all meetings of the Committee in accordance with these by-laws. He or she shall forward action taken by the Committee to the Board of Supervisors for whatever action the Board deems appropriate. The Chairperson shall appoint subcommittees as appropriate and deemed necessary by the Committee, and notify the Board of such appointments.

Vice-Chairperson: In absence of the Chairperson or in the event of his or her inability to act, the Vice-Chairperson shall exercise all powers and duties of the Chairperson.

Section 7: In the absence of both the Chairperson and the Vice-Chairperson at any regularly scheduled meeting that a quorum is represented, the Committee members present shall elect one of their number to function during such meeting as the Interim Chairperson.

Article V Records & Reports

Section 1: The agenda for the next Committee meeting shall be set by the Committee at the end of each meeting.

Section 2: The Secretary shall ensure that documentation of the Committee meetings are recorded and maintained. Draft minutes will be distributed to the Committee members five (5) days prior to the next meeting and the agenda shall be posted at the Board of Supervisors 72 hours in advance to the next meeting for public viewing. The Committee shall make available to any person, at actual cost of duplication, copies of Committee minutes.

Article VI Compensation

Section 1: All Committee members will be paid a stipend for attending Committee meetings. The stipend shall be \$50.00 per member per meeting.

Section 2: All Committee members will be eligible for reasonable reimbursement of expenses for actual and necessary expenses authorized by the IHSS Advisory Committee Chairperson, including personnel or equipment that may be required to accommodate the special needs of committee members, such as:

- Mileage reimbursement
- Transportation
- Personal Attendant
- Translation Services
- Vision and/or hearing assistance devices
- Conference call as needed

Article VII Amendments

Section 1: These by-laws may be repealed, altered, or amended only by consent of a two-thirds (2/3rds) vote of the duly appointed members of the Committee, then serving, at any regular meeting of the Committee. A copy of any proposed amendment change shall be filed with the Chairperson and shall be sent to each member of the Committee with the notice announcing the meeting at which the proposed amendment will be considered.

Section 2: All by-law changes will be presented to the Board of Supervisors for approval.

Article VIII
Rules of Procedure

Section 1: All meetings of the Committee shall be conducted in an informal manner unless otherwise specified in these by-laws.

Section 2: Agenda items are to be determined by priorities as set by the full Committee. All requests from the Board of Supervisors will be honored.

ADOPTED BY THE MARIPOSA COUNTY IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE 11-14-11.